



THE COUNTY OF SAN BERNARDINO
LOCAL WORKFORCE INVESTMENT BOARD
AND YOUTH COUNCIL
BY-LAWS

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**COUNTY OF SAN BERNARDINO
WORKFORCE INVESTMENT BOARD
AND
YOUTH COUNCIL
BY-LAWS**

RECITALS

(A) The Governor of the State of California, pursuant to the Workforce Investment Act of 1998, hereinafter called the Act, Public Law 105-220, and codified as 29 United States Code sections 2801 et. seq., has designated the County of San Bernardino as a local Workforce Investment Area for the operation of comprehensive workforce investment system activities, and provides funding thereto.

(B) The federal and state rules and regulations promulgated pursuant to the Act require the establishment by the chief elected official, and certification by the Governor, of a local Workforce Investment Board, to set policy for that portion of the statewide workforce investment system within the local workforce investment area, to wit, the County of San Bernardino. Having been duly established and certified, the County of San Bernardino Workforce Investment Board shall discharge its duties and provide for mandated program and related activities as follows:

ARTICLE I – NAME

The name of this organization shall be the COUNTY OF SAN BERNARDINO WORKFORCE INVESTMENT BOARD, hereinafter alternately referred to as WIB.

ARTICLE II – LOCATION

The principal offices of the WIB shall be in the State of California and County of San Bernardino, and all mail should be addressed to the County of San Bernardino Workforce Investment Board. The WIB may change the principal office from one location to another within the County of San Bernardino by noting the changed address and effective date. Such changes of address shall not be deemed an amendment of these By-laws.

ARTICLE III – PURPOSE AND FUNCTION

The WIB shall be responsible to the County of San Bernardino Board of Supervisors, hereinafter alternately referred to as BOS, for providing planning and oversight for the comprehensive workforce investment program throughout the local Workforce Investment Area.

Section 3.01 – Authorized Duties and Responsibilities

Duties and responsibilities of the WIB are as set forth in this Section 3.01. As the WIB's implementation of the Act may be more (though not less) prescriptive than the Act or implementing regulations require, additions, deletions or changes to the duties and responsibilities of the WIB may be incorporated herein in accordance with the provisions of Article XII of these By-laws. Therefore, pursuant to 29 U.S.C. § 2832, subdivision (d), as a minimum:

(A) The WIB shall develop a local Workforce Investment Area Five-Year Plan in accordance with 29 U.S.C. § 2833 and shall submit the plan to the Governor upon approval of the BOS.

(B) The WIB shall designate all One-Stop operators in accordance with 29 U.S.C. § 2841, subject to the approval of the BOS.

(C) The WIB shall identify eligible providers of youth activities in accordance with 29 U.S.C. § 2843 by awarding contracts on a competitive basis, subject to the approval of the BOS and based on the recommendations of a subordinate Youth Council established in accordance with these By-laws.

(D) The WIB shall identify eligible providers of training services in accordance with 29 U.S.C. § 2842, which includes receiving applications from providers who desire to provide training services within the local Workforce Investment Area, determining a provider's initial eligibility, and submitting the list of identified eligible providers to the State for approval.

(E) The WIB, with the approval of the BOS, shall develop and enter into a Memorandum of Understanding between itself and the local One-Stop partners, concerning the operation of the One-Stop system within the local Workforce Investment Area, in accordance with 29 U.S.C. § 2841.

(F) The WIB shall develop a budget and may employ staff, subject to the approval of the BOS, to provide for the execution of duties assigned it through these By-laws.

(G) The WIB shall provide policy oversight for employment and training activities, the one-stop delivery system and programs affecting youth in the local Workforce Investment Area.

(H) The WIB shall negotiate with the Governor to arrive at agreed upon local performance measures for the local workforce investment system, subject to the approval of the BOS.

(I) The WIB shall support the Governor through the collection of local Workforce Investment Area employment statistics in support of a statewide employment statistics system, pursuant to the Wagner-Peyser Act.

(J) The WIB shall coordinate workforce investment activities authorized under the Act and carried out within the local Workforce Investment Area, with economic development strategies, and develop other employer linkages with such activities.

(K) The WIB shall promote the participation of private sector employers in the statewide workforce investment system, and ensure the effective provision, through the system, of connecting, brokering, and coaching activities through intermediaries such as the One-Stop operators in the local area, or through other organizations, to assist such employers in meeting hiring needs.

(L) The WIB may, at the request of the Chairperson and with the approval of the BOS, initiate other duties consistent with the intent of the Act, state law and implementing regulations.

Section 3.02 – Statutory Prohibitions and Restrictions

(A) Neither the WIB nor its staff may directly provide core services, or intensive services, or be designated or certified as a One-Stop operator, unless agreed to by the BOS and the Governor.

(B) Neither the WIB nor its staff may provide training services, unless the Governor grants a waiver in accordance with 29 U.S.C. § 2832, subdivision (f). Such waiver shall be based on a showing that there is an insufficient number of eligible providers to meet the local demand. If granted, such waiver shall apply for not more than one (1) year, and may be renewed for not more than one (1) additional year.

ARTICLE IV – MEMBERS

Section 4.01 – Structure of the WIB

The organizational structure for the WIB was established by Resolution 2000-90 of the Board of Supervisors pursuant to 29 U.S.C. § 2832, subdivision (b). Resolution 2000-90 and the Act provide that the WIB shall be comprised of persons selected from the following categories, with the majority of the WIB members being representatives described in paragraph (A).

(A) Twenty-three (23) representatives of businesses in San Bernardino County [four (4) representatives per Supervisorial District and three (3) at-large representatives] who:

(i) are owners of businesses, chief executives, or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority;

(ii) represent businesses with employment opportunities that reflect the employment opportunities of the local area; and

(iii) are appointed from among individuals nominated by local business organizations and business trade associations;

(B) Two (2) at-large representatives of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges), selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities;

(C) Fifteen percent (15%) being representatives of labor organizations nominated by local labor federations, including a representative of an apprenticeship program, unless the local labor federation fails to nominate enough members. If this occurs, then at least ten percent (10%) of the local board members shall be representatives of labor organizations [At-Large].

(D) Two (2) at-large representatives of community-based organizations (including organizations representing individuals with disabilities and veterans);

(E) Two (2) at-large representatives of economic development agencies; and

(F) One representative from each entity that is a one-stop partner pursuant to 29 U.S.C. § 2841.

Section 4.02 – Selection of WIB Members and Membership Terms

Members of the WIB shall be nominated in accordance with the Act and appointed by the Board of Supervisors of San Bernardino County for a two (2) year term, and may be reappointed for additional two-year terms with no limit on the number of terms.

Section 4.03 – Alternates

WIB members shall not be entitled to designate or send an alternate for attendance or voting at meetings.

Section 4.04 – Conflicts of Interest

Members of the WIB and any committee of the WIB are subject to the conflict of interest provisions set forth in the 29 U.S.C. § 2832, subdivision (g), the Fair Political Practices Act (Cal. Govt. Code § 87100 et seq.), Section 1091.2 of the California Government Code, and any additional conflict of interest regulations or policies established by the San Bernardino County Board of Supervisors. Upon appointment to the WIB, members shall be provided copies of the applicable conflict of interest laws, regulations, and policies. Questions regarding the interpretation or applicability of such conflict of interest provisions shall be directed to the Office of the County Counsel.

Section 4.05 – Termination, Resignation and Removal of WIB Members

A member of the WIB may be removed by the Board of Supervisors accordance with County of San Bernardino Policy No. 01-12 (Section F, 7.). The right of a member to vote and all of their rights, title, and interest in and to the WIB shall cease upon removal.

If a member is no longer able to effectively represent the categorical seat to which he or she was appointed for reasons which include but are not limited to frequent absences from meetings, or a change in employment or other status that alters the qualifications or conditions that were relied upon in making the initial appointment, the WIB shall, pursuant to a majority vote of the WIB members where a quorum is present, recommend to the Board of Supervisors that the member be removed.

Section 4.06 – Rights

When permitted by these By-laws, it shall be the right of a member to vote on all matters before the WIB except where there is a conflict of interest, pursuant to Section 4.04, and to represent the interests of the WIB when properly authorized by the WIB.

ARTICLE V - MEETINGS

Section 5.01 – Regular Meetings

The WIB and its standing committees shall annually establish the dates, time and place of its regular meetings. For the WIB and Youth Council, their regular meetings shall be at least quarterly.

Section 5.02 – Special and Emergency Meetings

The WIB and its standing committees may hold special meetings or emergency meetings in accordance with the applicable provisions of the Brown Act (California Government Code, § 54950 et seq.).

Section 5.03 – Notice and Conduct of Meetings

All meetings of the WIB and its standing committees, whether regular, special, or emergency meetings, shall be called, noticed, held, and conducted in accordance with the Brown Act (California Government Code § 54950 et seq.) and 29 U.S.C. § 2832, subdivision (e) (Sunshine Provision). The order of business to be generally followed for all meetings shall consist of:

- (1) Opening
- (2) Consent Items
- (3) Discussion Items
- (4) Information Items
- (5) Public Comments
- (6) Adjournment

Section 5.04 – Voting

All elections and all questions shall be decided by a majority vote of the members present at a duly constituted meeting of the WIB. Each member shall be entitled to one (1) vote and no proxy votes shall be permitted.

Section 5.05 – Minutes

The WIB staff shall cause to be kept minutes of all regular, special, and emergency meetings of the WIB and its standing committees, and shall, as soon as possible after each meeting, cause a copy of the minutes to be made available to each member. All votes shall be recorded in the minutes.

Section 5.06 – Recording of Attendance

(A) Attendance of all members present at any meeting of the WIB or its standing committees shall be recorded by the WIB staff. The record of attendance shall also indicate the members who are absent and if such absence was excused or unexcused.

(B) If a register, questionnaire, or any similar document is posted or circulated at the meeting, it shall clearly state that completion of the document is voluntary and not a precondition of attendance.

5.07 – Meeting Attendance

Attendance by members at regularly scheduled meetings is critical for the WIB to fulfill its function. Members are expected to attend regularly scheduled general WIB and standing committee meetings of which they are a member.

- (A) Members who are absent, whether excused or unexcused, from one half (1/2) of the general WIB meetings during a twelve (12) month period or more than three (3) consecutive regularly scheduled general WIB meetings may be subject to a recommendation of removal pursuant to Section 4.05 herein. Additionally, members who demonstrate a substantial pattern of absenteeism at general WIB meetings, although in a different absentee pattern from the ones noted above, may also be subject to a recommendation of removal pursuant to Section 4.05. The Chair of the WIB may recommend to the WIB any member in violation of this Section and a majority vote of the WIB members where a quorum is present is required to submit the member's name to the San Bernardino County Board of Supervisors for recommendation of removal. In the event that the Chair is the member in violation of this Section, the Vice Chair may submit the name of the Chair to the WIB for such a vote.
- (B) Standing committee members who are absent, whether excused or unexcused, from one half (1/2) of the committee meetings during a twelve (12) month period or more than three (3) consecutive regularly scheduled committee meetings may be subject to dismissal by the Committee Chairperson pursuant to Section 9.02 herein.

ARTICLE VI – QUORUM

(A) For any meeting of the WIB or any committee of the WIB, a quorum is achieved when a majority of the members appointed to such body are present at the meeting. Once a quorum is achieved at a meeting, the members may conduct business and vote on agenda items until adjournment, notwithstanding the subsequent absence of enough members to leave less than a quorum.

(B) When less than a quorum of the WIB appears at a noticed meeting the Chairperson may elect to convene the Executive Committee to meet and transact agenda items to be forwarded to the full WIB at the next meeting for ratification. The WIB may also meet as a committee of the general body for discussion purposes.

ARTICLE VII – OFFICERS

Section 7.01 – Officers of the WIB

The officers shall be the Chairperson, Vice-Chairperson, and Treasurer. The officers shall perform the duties prescribed by these By-laws, by federal and state law, and by the parliamentary authority adopted by the WIB.

(A) No person shall be elected to more than one (1) office. A term of office shall be one (1) year. No member shall be eligible to serve more than three (3) consecutive terms in the same office.

(B) The Chairperson, Vice-Chairperson and Treasurer for the WIB shall be elected by the WIB from among members appointed to the WIB pursuant to Section 4.01(A) of these By-laws, as prescribed by 29 U.S.C. § 2832. Elections for the Chairperson, Vice-Chairperson, and Treasurer shall be conducted annually at the first meeting of the WIB in March of every year. The persons elected to the office of Chairperson, Vice-Chairperson, and Treasurer shall serve for one (1) year or until a successor is selected, and may be removed from office by a majority vote of the entire WIB membership.

(C) A vacancy in an office shall exist in the case of death, resignation, removal, or disqualification resulting when an officer no longer meets the criteria, under which they were nominated, or any unresolvable conflict of interest or impropriety, such as failure to comply with these By-laws, or conduct detrimental to the interest of the WIB.

(D) In the event of a vacancy in the office of Chairperson, the Vice-Chairperson shall succeed immediately to the office of Chairperson and possess all the powers to perform all the duties of that office for the remainder of the Chairperson's unexpired term.

(E) In the event of a vacancy in the office of Vice-Chairperson, the office shall be filled in accordance with paragraph (B) above for the unexpired term of that office.

(F) The Chairperson, or Vice-Chairperson acting in place of the Chairperson, shall preside at all meetings of the WIB.

(G) At the request of the Chairperson, or in the event of the Chairperson's absence or disability, the Vice-Chairperson shall perform the duties and possess and exercise the powers of the Chairperson.

(H) WIB staff shall serve as Secretary to the WIB.

Section 7.02 – Chairperson

The Chairperson is the elected representative of the WIB and spokesperson for the policies established by the WIB.

(A) The Chairperson works under the advice, direction and consent of the WIB, and is responsible for representing the collective thinking and actions of the WIB. The Chairperson shall:

(1) Conduct WIB meetings in accordance with these By-laws, the current edition of Robert's Rules of Order, the Brown Act, and any other applicable laws or policies.

(2) Convene meetings of the WIB in accordance with these By-laws.

(3) Adjourn meetings after receiving motion, second and majority vote. The Chairperson may adjourn meetings without the WIB's consent only in emergency cases such as natural disaster.

(4) Represent the WIB membership at State Designated Workforce Entity meetings.

(5) Act as the liaison for the WIB to the BOS or its designee(s).

(6) Inform the San Bernardino County Workforce Development Department of changes in policy passed by the WIB so the Department Director may implement newly formulated WIB policies and/or procedures.

(7) Annually appoint a chairperson for each standing committee set forth in Section 9.03 of these By-laws, with the exception of the Fiscal/Contracts Committee Chairperson, and fill by appointment any vacancies in such positions.

(8) Create and dissolve ad-hoc committees, and appoint and dismiss a chairperson for each ad-hoc committee.

(9) Sign the Workforce Investment Area Five-Year Plan after its approval by the WIB.

(B) The Chairperson shall obtain the advice and consent of the WIB before acting in all matters not specifically delegated herein to the Chairperson. Those duties and responsibilities not specifically delegated herein to the Chairperson are retained by the WIB, and require the advice and consent of the WIB before action or implementation by the Chairperson.

Section 7.03 – Vice-Chairperson

The Vice-Chairperson shall have such powers and duties as from time to time may be assigned by the Chairperson, including all duties of the Chairperson during the absence or disability of the Chairperson, or a vacancy in the office of Chairperson.

Section 7.04 – Fiscal/Contracts Committee Chairperson

The Fiscal/Contracts Committee Chairperson, who shall be the Treasurer, shall oversee the Fiscal/Contracts Committee and keep the WIB informed of the WIB's financial status.

Section 7.05 -- Secretary

The Secretary shall have charge of the records of the WIB and shall also perform the duties usually incident to the office of Secretary.

ARTICLE VIII – EXPENSES

Allowable expenses while attending WIB business may be reimbursed by the WIB at prevailing County rates. Reimbursement of the actual cost of expenses is to be in accordance with the rate allowed elected officers.

ARTICLE IX – COMMITTEES

Section 9.01 – Executive Committee

The WIB shall maintain an Executive Committee, which shall consist of the Chairperson, the Vice-Chairperson, the Treasurer, the chairperson of each standing committee, the immediate past Chairperson, and any WIB member that is currently serving on the State of California or National Workforce Board. The Chairperson shall chair the Executive Committee and the Vice-Chairperson shall chair the committee in the absence of the Chairperson.

Section 9.02 – Standing Committees

The standing committees of the WIB are: the Executive Committee, the Fiscal/Contracts Committee, Legislative Committee, the Youth Council, the Economic Development Committee and the Business Resource Committee. After the annual appointment of chairpersons pursuant to Section 7.02 of these By-laws, the chairperson of each standing committee shall, with the concurrence of the Chairperson, appoint the members of the standing committee. The chairperson of a standing committee, with the concurrence of the Chairperson, may also dismiss any member of the standing committee.

Section 9.03 – Ad-Hoc Committees

Ad-hoc committees may be created and dissolved at the discretion of the Chairperson pursuant to Section 7.02 of these By-laws. Upon the creation of an ad-hoc committee and appointment of a chairperson, the chairperson of the ad-hoc committee shall, with the concurrence of the Chairperson, appoint the members of the committee.

The chairperson of an ad-hoc committee, with the concurrence of the Chairperson, may also dismiss any member of the ad-hoc committee.

Section 9.04 – Committee Information

The name of each member of a standing committee or ad-hoc committee, together with all papers, information, or other data bearing on the subject or question to be considered by the committee, shall be recorded and supplied to the WIB membership upon request.

ARTICLE X – INDEMNIFICATION

Section 10.01 – Defense and Indemnification

Refer to County of San Bernardino Policy Manual No. 01-12. A copy shall be provided to each member upon appointment.

Section 10.02 – Fidelity and Bond Insurance

The WIB shall have the power to purchase and maintain fidelity and bond insurance on WIB members and staff to the extent that such power is authorized by the BOS or granted by statute.

ARTICLE XI – PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order, shall govern the WIB and all committees of the WIB in all cases in which they are applicable, and in which they are not inconsistent with these By-laws, federal and state law, and special rules of order the WIB may adopt.

ARTICLE XII – AMENDMENT OF BY-LAWS

These By-laws may be amended by the following process:

(A) A proposed amendment to these By-laws shall be submitted in writing at least seven (7) days prior to a regularly scheduled and noticed meeting of the WIB where the amendment is submitted to the WIB.

(B) To amend these By-laws they must be adopted by a majority vote of the entire WIB membership, and approved by the Board of Supervisors.

(C) The final vote by the WIB on the amendment to these By-laws shall be held not less than twenty-five (25) days after the proposed amendment to the By-laws has been submitted to the membership of the WIB. Such vote shall take place no later than

the next regular meeting of the WIB following submission of the proposed amendment to the membership of the WIB.

ARTICLE XIII – LOCAL YOUTH COUNCIL

Section 13.01 – Establishment of the Youth Council

Pursuant to the Act, applicable state law and implementing regulations, the WIB shall establish a local Youth Council, hereinafter alternately referred to as Council, as a committee that is subordinate to the WIB. The WIB shall rely on the advice and recommendations of the Council, deferring to its special collective expertise, in matters involving and affecting youth. The WIB shall establish by resolution the organizational structure of the Council in accordance with the Act.

Section 13.02 – Governance

The Council shall be governed in accordance with these By-laws and any applicable resolution of the WIB.

Section 13.03 – Authorized Duties and Responsibilities

Duties and responsibilities of the Council are as set forth in this Section 13.03. The WIB's implementation of the Act may be more (though not less) prescriptive than the Act or implementing regulations require. Recommendations for any changes to Article XIII of these By-laws shall be presented to the WIB to be placed as an agenda item for future vote of the WIB. The duties and responsibilities of the Council shall include, but are not limited to, the following:

(A) The Council shall develop the portions of the local Workforce Investment Area Five-Year Plan relating to eligible youth, as determined by the Chairperson.

(B) The Council shall recommend eligible providers of youth activities for award of grants or contracts on a competitive basis by the WIB, to carry out youth activities, as prescribed in 29 U.S.C. § 2843.

(C) The Council shall conduct oversight with respect to the eligible providers of youth activities in the local Workforce Investment Area, subject to approval of the WIB, in accordance with 29 U.S.C. § 2843.

(D) The Council shall coordinate youth activities in the local Workforce Investment Area authorized for funding, in accordance with 29 U.S.C. § 2854.

(E) The Council shall perform other duties determined to be appropriate by the Chairperson of the WIB.

Section 13.04 – Sub-Committees

Sub-committees of the Council may be established and dissolved by the chairperson of the Council.

Section 13.05 – Conflicts of Interest

Members of the Council are subject to the conflict of interest provisions set forth in Section 4.04 of these By-laws.

ARTICLE XIV - EFFECT

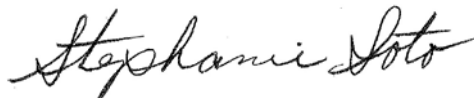
These By-laws shall become effective upon adoption by a majority vote of the WIB and approval of the Board of Supervisors, and shall remain in effect until dissolution of the WIB, or amended pursuant to Article XII of these By-laws.

In any conflict arising between the provisions of the Act, applicable state law, or other implementing regulations, the legal provisions of law and regulation shall prevail, except to the extent these By-laws represent allowable discretion of the WIB in interpretation and implementation of law and regulation.

CERTIFICATE OF SECRETARY

I certify that I am the duly appointed Secretary of the COUNTY OF SAN BERNARDINO WORKFORCE BOARD (WIB) and that the above By-laws, consisting of 16 pages, are the by-laws of this body as amended by the WIB on October 1, 2012.

Executed on October 1, 2012, at San Bernardino, California



Stephanie Soto, WIB Staff Aide and Secretary